

CHAPTER 1
ORGANIZATION AND OPERATION
[Prior to 10/8/86, Beer and Liquor Control Department[150]]

185—1.1(123,17A) Purpose. This chapter describes the organization and operation of the alcoholic beverages division, including the offices where and the means by which any interested person may obtain information and make submittals or requests.

185—1.2(123,17A) Scope and rules. Promulgated under Iowa Code chapters 17A and 123, these rules shall apply to all matters before the alcoholic beverages division. No rule shall in any way relieve a wholesaler, manufacturer, vintner, rectifier, licensee or permittee, or an agent or employee thereof from any duty under the laws of this state. All rules relating to the operation of state liquor stores promulgated hereunder shall remain in effect until July 1, 1987.

This rule is intended to implement Iowa Code section 123.4.

185—1.3(123,17A) Waiver. The purpose of these rules is to facilitate the business before the division and to promote a just resolution of controversies. Consistent with this purpose, the application of any of these rules, unless provided otherwise by law, may be waived by the division to prevent undue hardship to any party transacting business with the division or to a proceeding. Reasons for granting the waiver shall be in writing and be made part of the record in the proceeding or part of the file in other matters.

185—1.4(123,17A) Duties of the division. The alcoholic beverages division administers the laws of this state concerning beer, alcoholic liquor, and wine. The division is vested with the sole and exclusive control within the state of Iowa both as purchaser and vendor of all alcoholic liquor sold by distilleries within the state or imported therein, except beer and wine, except as otherwise provided by law.

185—1.5(123,17A) Organization—commission. The alcoholic beverages division consists of five commission members appointed by the governor and confirmed by the senate. The commission acts as a policy-making body and serves in an advisory capacity to the administrator. The commission meets statutorily on the first of July of each year and thereafter as scheduled by the chairperson. A quorum shall consist of at least three commission members.

1.5(1) Administrator. Subject to senate confirmation, the governor appoints an administrator who conducts the daily operations of the division. These operations consist of but are not limited to:

- a.* Purchases of alcoholic liquor and wine for resale by the division.
- b.* The granting, refusing, suspension, or revoking of liquor control licenses, beer permits, wine permits, and special licenses.
- c.* The establishment of wholesale and retail prices for alcoholic beverages sold by the division.
- d.* The establishment or discontinuance of state liquor stores.

1.5(2) Hearing board. Rescinded IAB 8/18/93, effective 7/29/93.

This rule is intended to implement Iowa Code sections 123.5 and 123.9.

185—1.6(123,17A) Central offices. The central office is located at 1918 S.E. Hulsizer, Ankeny, Iowa 50021, (515)964-6800. The central office consists of the office of the administrator of the division, the office of the deputy administrator, the bureaus of store operations, products management, licensing and operations control. The central office is responsible for the operational support of the division including such functions as purchasing, store operations policy and control, products management, licensing, supply and other administrative duties. The central office is the principal custodian of all divisional orders, statements of law or policy issued by the division, legal documents concerning properties, and other public documents on file with the division.

This rule is intended to implement Iowa Code section 123.4.

185—1.7(123,17A) Matters applicable to all proceedings.

1.7(1) Communications. All communications to the division shall be addressed to the Alcoholic Beverages Division, 1918 S.E. Hulsizer, Ankeny, Iowa 50021, unless otherwise specifically directed. Bids, complaints, pleadings, or other papers required to be filed with the division, shall be filed in the office of the secretary to the administrator within the time limit, if any, for such filing. Unless otherwise specifically provided, all communications and documents are officially filed upon receipt at the office of the division.

1.7(2) Office hours. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday. Offices are closed on Saturdays, Sundays, and official state holidays designated in accordance with state laws.

1.7(3) Public information. Any interested person may examine all public records of the division including the decisions, orders, rules, opinions, and other statements of law or policy issued by the division in the discharge of its function. These documents may be examined in the offices of the division during regular business hours. Unless otherwise provided by law, all information contained therein shall be made available for public inspection.

These rules are intended to implement Iowa Code sections 123.4, 123.5, 123.6, 123.9, 123.10, 123.21(10), and 17A.3.

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